

UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
OFFICE OF THE CHIEF ADMINISTRATIVE HEARING OFFICER

May 29, 1997

UNITED STATES OF AMERICA,)	
Complainant)	
)	8 U.S.C. 1324a Proceeding
vs.)	
)	OCAHO Case No. 97A00008
TWIN STAR FARMS, INC.,)	
Respondent)	

ORDER OF DISMISSAL-SETTLED

On October 4, 1996, complainant, acting by and through the Immigration and Naturalization Service (INS), commenced this action, which arises under the Immigration and Nationality Act, as amended, 8 U.S.C. § 1324a, by having filed a Complaint consisting of three (3)-counts with the Office of the Chief Administrative Hearing Officer (OCAHO), alleging 17 paper work-type violations.

On May 28, 1997, the parties jointly filed a Motion to Dismiss, together with a fully executed four (4) page Settlement Agreement, in which they advised that they had reached a compromise settlement of all matters in controversy.

Under § 68.14(a) of the OCAHO Rules of Practice and Procedure, where the parties have entered into a proposed settlement agreement and have notified the administrative law judge, a final dismissal of the action is subject to approval of the terms of the settlement agreement by the administrative law judge.

Upon a careful and thorough review of the Settlement Agreement, it is found that the terms set forth therein are fair and reasonable and constitute an appropriate settlement pursuant to § 68.14(a).

Accordingly, it is found that:

1. Respondent has withdrawn his request for hearing on the merits; and
2. That respondent will pay a civil money penalty in the total amount of \$2,500 in the manner set forth in the Settlement Agreement; and

3. That it is appropriate to grant the parties' joint Motion to Dismiss based upon the parties' notification made pursuant to § 68.14(a)(2); and

4. That complainant's October 4, 1996 Complaint is hereby ordered to be and is dismissed with prejudice to refiling.

Joseph E. McGuire
Administrative Law Judge

CERTIFICATE OF SERVICE

I hereby certify that on this 29th day of May, 1997, I have served copies of the foregoing Order of Dismissal-Settled to the following persons at the addresses shown, in the manner indicated:

Office of the Chief Administrative Hearing Officer
Skyline Tower Building
5107 Leesburg Pike, Suite 1905
Falls Church, Virginia 22041
(original hand delivered)

Dea Carpenter, Esquire
Associate General Counsel
Immigration and Naturalization Service
425 "I" Street, N.W., Room 6100
Washington, D.C. 20536
(one copy sent via regular mail)

Patricia Gannon, Esquire
Immigration & Naturalization Service
P.O. Box 2669
New York, New York 10008-2669
(one copy sent via regular mail)

Sol Waltzman, President
Twin Star Farms, Inc.
155 North Ohioville Road
New Paltz, New York 12561
(one copy sent via regular mail)

Laurence C. Fauth
Law Clerk to
Joseph E. McGuire
Administrative Law Judge
Department of Justice
Office of the Chief Administrative
Hearing Officer
5107 Leesburg Pike, Suite 1905
Falls Church, Virginia 22041
(703) 305-1043